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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/663,094      | 09/15/2000  | Eric Schneider       |                     | 3485             |

24226 7590 03/01/2005  
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EXAMINER

BRUCKART, BENJAMIN R.

ART UNIT PAPER NUMBER

2155

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                          |                                 |                                 |  |
|--------------------------|---------------------------------|---------------------------------|--|
| <b>Interview Summary</b> | Application No.<br>09/663,094   | Applicant(s)<br>SCHNEIDER, ERIC |  |
|                          | Examiner<br>Benjamin R Bruckart | Art Unit<br>2155                |  |

All participants (applicant, applicant's representative, PTO personnel):

- (1) Benjamin R Bruckart. (3) \_\_\_\_\_  
 (2) Eric Schneider. (4) \_\_\_\_\_

Date of Interview: 18 February 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Wong 6,654,746.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: We reviewed the proposed claim and pointed out what applicant felt was the novel piece of the invention. We discussed the determining of the interval from the two files and applicant said he would think about RCE. Since that would require further search.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



HOSAIN ALAM  
 ADVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

AR

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**Applicant Initiated Interview Request Form**

Application No.: 09/663,094 First Named Applicant: Eric Schneider  
Examiner: Benjamin Bruckart Art Unit: 2155 Status of Application: Pending  
Tentative Participants:  
(1) Eric Schneider Email: eric@tlda.com

Proposed Date of Interview: Friday February 18, 2005 Proposed Time: 11AM, 1PM, or 2PM  
Type of Interview Requested:  
(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference  
Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO  
If yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

| Issues  | Claims/Figs | Prior Art | Discussed                | Agreed                   | Not Agreed               |
|---|-------------|-----------|--------------------------|--------------------------|--------------------------|
| (1) Discuss Second Step of Claim 54                 |             |           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) Discuss Wong col 4 lines 1-20                   |             |           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) Applicant Fig. 6a and pg 17, ln 20 - pg 18 ln 5 |             |           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☒ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

Pro se Applicant requests constructive assistance from Examiner. See Attached Amended Claim 54 and comments. Can be reached by phone to confirm interview date/time at (561) 266-9466. I have arranged that if any message is left it will forward to me. I also am available Thurs 11am and Mon 11am - if these are better times. I probably only need about 30 minutes of time at most. Interview will help me better understand whether another RCE may be filed. Thank you.

An interview was conducted on the above-identified application on \_\_\_\_\_

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01). This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature)

\_\_\_\_\_  
(Examiner/SPE Signature)

Claim 54 (amended): A notification method comprising:

receiving a request to provide notification when a new file is published to a file directory including ~~one or more~~ a plurality of previously published files, each said previously published file having a filename, file date, and file time;

determining at least one of a start time, end time, polling interval, publishing interval, volume number, and issue number from variations of at least one of a filename, file date, and file time in at least two files of said ~~one or more~~ plurality of previously published files in said file directory;

determining when and how often to monitor whether said new file can be found in said file directory from said at least one of a start time, end time, polling interval, publishing interval, volume number, and issue number; and,

providing said notification when it is determined that said new file can be found in said file directory.

Wong col 4, lines 1-20 discusses two points. The first relates to how a change in subscription file is detected (e.g., detection of a change in file size of a subscription file) and the second relates to when the subscription file is checked for changes (e.g., the subscription file is checked for changes only when the current time is equal to or greater than the time last checked plus the check interval.)

There are several distinctions to be made between Wong and Applicant present invention. First, Wong refers to detection of changes to an existing subscription file whereas Applicant refers to detection of newly published files. Wong and Applicant differ on how a monitoring start time is determined. Wong teaches checking for changes by adding a check interval to the last time checked. Applicant points out variations in publish time shown in Fig. 6a. For instance, history of published file time show a variance of several hours for a newly published file (e.g., a file might be released as early as 10am or as late 1pm in a given day). If a file was released 1pm the first week and 10am the second week, the method of Wong would only first try to detect a change at 1pm in the second week which is inefficient because there is no mechanism in place to detect the change 3 hours earlier at 10am. Applicant teaches accounting for such time variations in order to determine an earlier starting time to have detected the 10am file release.

The proposed amended Claim 54 more clearly makes this distinction over Wong.